

09/831546

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EK102656826US, in an envelope addressed to: Commissioner for Patents, Box PCT, Washington, DC 20231, on the date shown below.

Dated: August 24, 2001

Signature:

(Linda A. Baum)

Docket No.: HO-P02186US0  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jeffrey Errington

Application No.: 09/831,546

Group Art Unit: N/A

Filed: May 10, 2001

Examiner: Not Yet Assigned

For: BACILLUS STRAIN AND ASSAY METHOD

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Commissioner for Patents  
Box PCT  
Washington, DC 20231

Dear Sir:

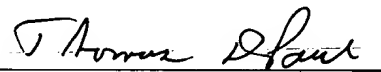
In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office June 26, 2001, Applicant respectfully submits an Inventor Declaration, a Power of Attorney (by Assignee), and an Assignment.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2375, under Order No. HO-P02186US0. A duplicate copy of this paper is enclosed.

Dated: August 24, 2001

Respectfully submitted,

By

  
Thomas D. Paul

Registration No.: 32,714  
FULBRIGHT & JAWORSKI L.L.P.  
1301 McKinney, Suite 5100  
Houston, Texas 77010-3095  
(713) 651-5325  
(713) 651-5246 (Fax)  
Attorneys for Applicant



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

09/831546

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

09/831,546

ERRINGTON

J P02186USO

INTERNATIONAL APPLICATION NO.

PCT/GB99/03738

LA. FILING DATE

PRIORITY DATE

11/10/99

11/10/98

DATE MAILED

06/26/01

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee.  
☒ Copy of the international application.  
☐ Oath or Declaration of Inventors(s).  
☐ Copy of Article 19 amendments.  
☒ Priority Document.

- ☒ Indication of Small Entity Status.  
☐ Translation of the international application into English.  
☐ Translation of Article 19 amendments into English.

☒ Other: *300, 401, 402, PCT Request*

- ☒ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Translation of Annexes to the International Preliminary Examination Report into English.

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the international application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.

- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). *\*Surcharge is paid\**

4. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.  
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

- Enclosed: ☐ PCT/DO/EO/917  
☐ PTO-875

- ☐ Notice of Defective Translation  
☐ PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

Telephone:

Key Signature

National Stage Process

Received

(703) 205-8695

183 JUL 02 2001

Docket: P02186USO

Client: J.A. KEMP

Attorney: E.A.H.